

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On December 15, 1930, the S. S. Borden Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18265. Adulteration and misbranding of canned pumpkin. U. S. v. 39 Cases of Canned Pumpkin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26350. I. S. No. 30911. S. No. 4686.)

Examination of samples of canned pumpkin from the shipment herein described having shown that it contained decomposed material, also that it was falsely branded as to the State in which produced, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On May 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 39 cases of canned pumpkin, remaining in the original unbroken packages at Trenton, N. J., alleging that the article had been shipped by the Penn's Manor Canning Co., Bristol, Pa., on or about November 3, 1930, to Pennington, N. J., and that it had been reshipped therefrom by the Pennington Canning Co., to Trenton, N. J., where it remained in the original unbroken packages, and that it was adulterated and misbranded in violation of the food and drugs act. The article was labeled in part: (Can) "Stony Brook Brand Pumpkin Pennington Packing Co., Pennington, N. J."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement on the label, "Pennington Packing Co., Pennington, N. J.," was false and misleading and deceived and misled the purchaser, since the said statement represented that the article was produced in the State of New Jersey, whereas it was produced in the State of Pennsylvania.

On June 3, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18266. Adulteration and misbranding of cultured buttermilk. U. S. v. 8 Kegs of Cultured Buttermilk. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25998. I. S. Nos. 28083, 28084, 28085. S. No. 4260.)

Examination of samples of cultured buttermilk from the shipments herein described having shown that it was condensed soured skim milk, with protein, fat, lactic acid, and total solids below the percentages declared on the labeling, and containing added cornstarch, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight kegs of cultured buttermilk, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Hoosier Condensed Milk Co., Bluffton, Ind., alleging that the article had been shipped from Bluffton, Ind., in part on or about January 22, 1931, and in part on or about January 27, 1931, and had been transported from the State of Indiana into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mfd. for Ronck & Bevis, Ro-Be Cultured Buttermilk, Philadelphia. Protein 12%, Fat 1%, Lactic Acid 6%, Total Solids 30%."

It was alleged in the libel that the article was adulterated in that a substance, to wit, condensed soured skim milk and starch, had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements on the label, "Cultured Buttermilk, Protein 12%, Fat 1%, Lactic Acid 6%, Total Solids

30%," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 1, 1931, the Hoosier Condensed Milk Co., Bluffton, Ind., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reconditioned and relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18267. Adulteration of tomato catsup. U. S. v. 62 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 25972. I. S. No. 8881. S. No. 3933.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On March 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 62 cases of tomato catsup, remaining in the original unbroken packages at McKeesport, Pa., alleging that the article had been shipped by the Frazier Packing Co., from Elwood, Ind., on or about September 27, 1930, and had been transported from the State of Indiana into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Purity Brand High Grade Tomato Ketchup."

It was alleged in the libel that the article was adulterated in that it consisted partly of a decomposed vegetable substance.

On March 31, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18268. Adulteration of oysters. U. S. v. 5 Gallons of Oysters. Default decree of destruction entered. (F. & D. No. 25966. I. S. No. 12276. S. No. 4240.)

Samples of oysters from the shipment herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On February 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 gallons of oysters, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the N. P. Housman Oyster Co., from New York, N. Y., on or about February 16, 1931, and had been transported from the State of New York into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From N. P. Housman Oyster Co. * * * New York."

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed with and substituted in part for oysters, which the said article purported to be.

On April 25, 1931, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18269. Adulteration and misbranding of canned turnip greens. U. S. v. 140 Cases, et al., of Turnip Greens. Product released under bond. (F. & D. No. 25400. I. S. No. 3982. S. No. 3663.)

Samples of canned turnip greens from the shipment herein described having been found to be decomposed, and labeled with unwarranted health claims, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of North Carolina.

On December 1, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 238 cases, each containing 2 dozen cans of turnip greens, remaining in the original unbroken packages at Asheville, N. C., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about October 13, 1930, and had been transported from the State of Georgia into the State of North Carolina, and charging adulteration and mis-